

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FOR ONLINE PUBLICATION ONLY

JASON VALE,

Petitioner,

- versus -

UNITED STATES OF AMERICA,

Respondent.

ORDER

15-CV-566 (JG)

Petitioner Jason Vale has filed a petition for a writ of audita querela and/or coram nobis in the above-captioned case. ECF No. 1. The petition is denied. Among other reasons, the petition is based on the principle announced in *Apprendi v. New Jersey*, 530 U.S. 466 (2000), which may not be applied on collateral review, as is the posture here. *See Coleman v. United States*, 329 F.3d 77, 90 (2d Cir. 2003); *Schriro v. Summerlin*, 542 U.S. 348, 357-58 (2004).

So ordered.

John Gleeson, U.S.D.J.

Dated: February 11, 2015
Brooklyn, New York